

**BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS
MINUTES OF MEETING OF THE BOARD**

DATE: September 20, 2006

**PLACE: Department of Administration
One Capitol Hill, Conference Room B
Providence, RI 02908**

MEMBERS PRESENT: Dana M. Newbrook, Wilbur E. Yoder, James R. Carlson, and Barbara Feibelman

OTHERS PRESENT: Adam J. Sholes, Special Assistant Attorney General

**Peter N. Dennehy, Deputy Chief Legal Counsel, Dept. of Admin.
Dawne Broadfield, Board Executive**

CALLED TO ORDER: Chair Newbrook called the meeting to order at 3:35 pm. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Vice-Chair Yoder moved to approve the open meeting minutes of August 16, 2006 as published. Secretary Carlson seconded. Motion approved by all members present.

(2) Vice-Chair Yoder moved to approve and seal the executive

session meeting minutes of the August 16, 2006 as published. Secretary Carlson seconded. Motion approved by all members present.

EXECUTIVE SESSION

(1) Vice-Chair Yoder moved to convene into executive session at 3:36 p.m. pursuant to RI General Laws, § 42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and § 42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Secretary Carlson seconded. Motion approved by all members present.

(2) Vice-Chair Yoder moved to adjourn from executive session and to reconvene to an open meeting at 3:47 p.m. pursuant to R.I.G.L. §42-46-4. Secretary Carlson seconded. Motion approved by all members present.

(3) Vice-Chair Yoder moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Secretary Carlson seconded. Motion approved by all members present.

(4) Vice-Chair Yoder moved to record the votes taken in executive session in accordance with Rhode Island General Law §42-46-4 as follows. Secretary Carlson seconded. Motion approved by all

members present to close Gary S. Gregory, #2507, AutoZone and Roge Design Group.

(5) Vice-Chair Yoder moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Secretary Carlson seconded. Motion approved by all members present.

OLD BUSINESS

(1) Discussion on Amendments to the “Rules of the Board”

Attorney Dennehy told the Board that he suggested a new format that the “Rules” should follow to make the “Rules” more readable and understandable. Attorney Dennehy indicated that he has been working with Mrs.

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Broadfield in putting that new format together. The “Rules” have been clustered to avoid duplication. The numbering was changed, a “Table of Contents” was developed, and jurisdictional and legal basis for the “Rules” were added. Mrs. Broadfield indicated that she is about three quarters (3/4) of the way through formatting the “Rules.” Attorney Dennehy felt that the changes would be a substantial improvement. Chair Newbrook requested that the “Rules” be sent to

the Board members in advance for review before the next meeting.

Secretary Carlson moved to continue. Vice-Chair Yoder seconded. Motion was approved by all members present.

(2) “Tech Note” – Meeting to be scheduled with Daniel L. Beardsley, Jr., Executive Director, League of Cities and Towns, Daniel R. DeDentro, State Building Code Commissioner and the Board.

Mr. Cirillo is working on scheduling a meeting with Mr. Daniel Beardsley, Executive Director, League of Cities and Towns, Mr. Warren Ducharme, Acting State Building Code Commissioner, and the Board. Mr. Cirillo was not present at this meeting. Therefore, this matter has been continued.

(3) Discussion on the implementation of the Governor’s Fiscal Fitness Program of On-line Renewals

Mr. Thomas Viall, General Manager of RI.gov, met with Mrs. Broadfield and had some questions on the Certificate of Authorizations renewal process. After discussion, Mr. Viall indicated that he needed to do more research with the Secretary of State for those who need to attach a Certificate of Good Standing to their renewal.

Mr. Viall will start by meeting with the Board again in April 2007 to discuss the first implementation of the on-line renewals for the

registered architects due to expire on December 31, 2007.

(4) Discussion on “disaster” – what would happen to the Board’s records, paper and computer, if the building burns?

Secretary Carlson drafted a Continuity of Operations Plan (COOP) for the Boards for Design Professionals (BDP) located within the Rhode Island Department of Administration (RIDOA) in accordance with the documentation that he received from the Emergency Management Agency (EMA). Secretary Carlson explained that this COOP advises the Board and the Board Executive what to do in the event of a disaster. Secretary Carlson drafted the COOP to let the DOA COOP have precedent over the Board’s COOP. He outlined the COOP as follows:

- “I. Executive Summary” – This section explains that this COOP is guidance on how the Board will continue operations.**
- “II. Introduction” – This section explains the Board’s role to protect the public as it relates to buildings.**
- “III. Purpose” - The Board would monitor anybody coming in and working in Rhode Island. That situation was an issue in New Orleans during Hurricane Katrina. People were coming into New Orleans and no one could verify their credentials.**
- “IV. Applicability & Scope” – This section indicates that DOA’s COOP would take precedence over the Board’s COOP. If the Board feels there is enough reason to activate the COOP, and DOA does not**

act, the Board can activate their COOP.

- **“V. Essential Functions” – This section outlines four (4) items as being “essential functions”.**

- 1. Maintain a database of architects to facilitate contact for aid in disaster recovery efforts.**

- 2. The Board would want to maintain the records that the Board already has.**

- 3. To develop a Rhode Island “Disaster Recovery Team” that consists of a roster of architects who are willing to volunteer their expertise.**

- 4. To develop and maintain a database of other organizations that also have “Disaster Recovery Teams” such as the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects (AIA), etc.**

Ms. Feibelman suggested that wording be added under the first “essential function” to read as follows: “Maintain database of design professionals (architects) to facilitate contacts for aid in disaster recovery efforts. Preserve records for later reconstitution.” The COOP will be changed to reflect that change.

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- **“VI. Authority & References” – This section is to identify contacts names and addresses of those who could help in case of a disaster.**

Mrs. Broadfield contacted NCARB to inquire who the Board could contact at NCARB to assist the Board in case of a disaster. NCARB responded and instructed the Board to send a written request to the Executive Vice President. The Executive Vice President would then

assess the situation and advise the Board on how to proceed.

Secretary Carlson asked Mrs. Broadfield to draft a letter to the NCARB Executive Vice President explaining what the Board's COOP is and ask what NCARB would do to assist the Board if a disaster occurs and this Board loses all of their records.

• “VII. Concept of Operations – A. Phase I, Activation & Relocation”

1. Decision Process” – This section explains how this COOP would be activated. The State or Federal government would have to declare an emergency. If the State or Federal government does not act, then the Board could activate their COOP by a simple majority of members contacting each other. If contact efforts fail, any member of the Board may activate the COOP if the State has been out of operation for more than seven (7) days.

When EMA appeared before the Board, the Board learned that there is a “Memorandum of Understanding” with the State and the Community College of Rhode Island (CCRI) in Warwick, RI, that all “essential functions” would be moved to CCRI in case of a disaster. The Board of Examination and Registration of Architects does not know whether or not it is considered an essential function under DOA's COOP. If DOA does not move the Board Executive to CCRI, then the Board Executive should work from a safe place via home or any other place and the Board members should try to contact each other and the Board Executive.

Attorney Sholes told the Board the wording in this section would be a violation of the Open Meetings Act (OMA), since there is no emergency provision in the OMA and Attorney Dennehy agreed. After discussion, the paragraph will be changed to read as follows: “This COOP shall be activated when there is a declared State emergency or National emergency that affects the offices of the BDP or the built environment.”

“2. Alert, Notification & Implementation” – This section explains what the BDP staff would do if they were in the DOA building or not in the DOA building when an emergency is declared. A three-ring binder containing a hard copy of the roster of architects, the “Disaster Response Team” and the other Response Team Agencies should be kept off-site, preferably with the Chair or Vice-Chair, so that it would be readily available and should be updated yearly.

• “VII. Concept of Operations – B. Phase II, Alternate Facility Operation” – This section explains what systems are critical to the Board’s essential operations. The critical system would be the back-up of the Information Technology (IT). That system would get the Board what it would need to continue to operate.

• “VIII. COOP Planning Responsibilities” – This section is to outline what steps the Board will take next.

• “IX. Logistics” – This section explains how the Board would determine what expenses were essential for protecting the public.

• “X. Test, Training & Exercises” – This section is called a “virtual test” that the Board will review the COOP annually. Also, the BDP

staff should be cross-trained. Mrs. Broadfield told the Board that the BDP staff is cross-trained.

- “XI. Multi-year Strategy & Program Management Plans” - Secretary Carlson recommended a transition to laptop based IT support docking stations and wireless internet access. Secretary Carlson also recommended that this Board take this COOP to the New England Conference of Architectural Registration Boards (NECARB) for discussion at the next Regional meeting in October 2006.

- “XII. COOP Plan Maintenance” – Secretary Carlson chose the September Board meeting to review the COOP annually and that the Board approve the COOP by January and that the three-ring binder would be updated annually. The three-ring binder will contain the following:

1. “Roster of Registered Architects” - The Chair will hold a roster of registered architects, out of the Boards’ office, that will contain the names, addresses, phone numbers and email addresses of the Rhode Island registered architects.

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2. “Disaster Recovery Team” – Secretary Carlson asked how the Board would develop a “Disaster Recovery Team.” Suggestions were made to contact the American Institute of Architects (AIA), newsletter, advertisement, website, word of mouth, or architects that the Board would want on the “Disaster Recover Team”.

Ms. Feibelman suggested that the Board start by sending a blanket

email to all the registrants in Rhode Island asking if they would be willing to be listed on a roster of architects available to voluntarily assist and assess damage for recovery efforts during a declared disaster.

Secretary Carlson asked if the other Boards, who are part of the BDP, were told they had to do a COOP. Attorney Dennehy strongly suggested that changes be made as discussed to this “draft”, and when the Board is satisfied with the COOP, it be distributed to the other Boards for their input accompanied by a letter explaining exactly what the COOP is and why the COOP is being suggested.

(5) Topics for the next Newsletter to be published.

The newsletter is in the development stage and has been continued.

BLUE BOOKS (RECIPROCITY)

(A) Secretary Carlson moved to approve the following Blue Books as submitted with an expiration date of December 31, 2007. Vice-Chair Yoder seconded. Motion approved by all members present.

(1) CHASE, Loren S. (4) GILLEY, III, ROY F.

(2) CRISP, James Michael (5) JOHNSON, GRAYLING L.

(3) DOTSON, Jennifer A. (6) MURRAY, JOHN BURNSIDE

BLUE BOOK (REINSTATEMENT)

(A) Secretary Carlson moved to approve the reinstatement of the Blue Book as presented with an expiration date of December 31, 2007. Vice-Chair Yoder seconded. Motion approved by all members present.

(1) ARBONIES, GLENN W., #1780 (2) HABEEB, Steven C., #1751

CERTIFICATES OF AUTHORIZATION APPLICATIONS (See Attached List)

(A) Secretary Carlson moved to approve the applications for Certificates of Authorization for the Sole Proprietorships for Anthi Frangiadis, AIA, Thomas Frisbie-Fulton, Haggerty-Craig Design, Wayne J. Hubbell, and Debbie DeBartolo Wilkinson as submitted. Vice-Chair Yoder seconded. Motion approved by all members present.

(B) Secretary Carlson moved to approve the application for Certificate of Authorization for the Corporations for Architects Studio, Ltd., Cubellis Associates, Inc. d/b/a Cubellis, James A. Loft Architect, Inc. and Thurlow Small Architecture, Inc. as submitted. Vice-Chair Yoder seconded. Motion approved by all members present.

(C) Secretary Carlson moved to approve the application for Certificate of Authorization for the Limited Liability Partnership for Robert A. M.

Stern Architects, LLP, #ALLP12 requesting that a new person in responsible charge be added. Vice-Chair Yoder seconded. Motion approved by all members present.

(D) Secretary Carlson moved to approve the application for Certificate of Authorization for the Limited Liability Company for J. K. Roller Architects, LLC as submitted. Vice-Chair Yoder seconded. Motion approved by all members present.

(E) Secretary Carlson moved to approve the withdrawal the application for Certificate of Authorization for the Corporation for Tomaino Tomaino Iamello & Associates, PA. Vice-Chair Yoder seconded. Motion approved by all members present.

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(F) Secretary Carlson moved to approve the application for Certificate of Authorization for the Sole Proprietorship for Joseph Edward Feher once the application is resolved. After review the application was found to be incomplete. The application did not include the number of employees including self, and the application also indicated that Mr. Feher has applied as a Sole Proprietorship but he listed himself as a Vice President. Vice-Chair Yoder seconded. Motion approved by all members present.

NEW BUSINESS

(1) Amendments to the Open Meetings Act (OMA) and Access to Public Records Act (APRA).

Attorney Sholes stated that changes were made during the last legislative session to the OMA and APRA. There are three (3) issues that Attorney Sholes would like to address to the Board. Those issues are as follows: email correspondence, discussions occurring outside of the posted meeting and holding an emergency meeting. This has been continued to the next meeting.

(2) Jo-Ann Libby – Question on whether or not a Certificate of Authorization is needed for her new drafting service.

The Board received a letter from Jo-Ann Libby asking whether or not her drafting service is required to hold a Certificate of Authorization to practice architecture. Ms. Libby is not an architect.

Secretary Carlson moved that the Board send Ms. Libby a letter directing her to Rhode Island General Laws, Section 5-1-14 that addresses the practice of architecture in what a person can do such as one or two family houses and farms without being a registered architect and also to caution Ms. Libby that if she transitions into the practice of architecture, not only does she require a Certificate of Authorization, she would also require a registration to practice architecture. Ms. Feibelman seconded. Motion approved by all members present.

(3) New England Conference of Architectural Registration Boards (NECARB) Fall Meeting in Portland, Maine.

The following Board members will be attending the NECARB Fall meeting on behalf of the Rhode Island Board as follows: Chair Newbrook, Vice-Chair Yoder, Secretary Carlson, and Mr. Cirillo. Chair Newbrook will be reimbursed for the hotel, registration and mileage costs from the out-of-state travel funds. Vice-Chair Yoder and Mr. Cirillo will be reimbursed for the registration fee and mileage from the out-of-state travel funds.

ADJOURNMENT

Chair Newbrook informed the Board that the next Board meeting is scheduled for October 18, 2006 at 3:30 p.m. at One Capitol Hill, Conference Room B, Providence, RI 02908. Secretary Carlson moved to adjourn the meeting at 5:11 p.m. Vice-Chair Yoder seconded. Motion approved by all members present.

Respectfully submitted,

James R. Carlson, NCARB, AIA
Secretary

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of 20 SEPTEMBER 2006

SOLES

**APPROVAL PENDING UNTIL APPLICATION IS
COMPLETE – QUESTIONING VICE PRESIDENT -
JOSEPH EDWARD FEHER \$100. 09/20/06**

ANTHI FRANGIADIS AIA - 0 - APPROVED – 09/20/06

THOMAS FRISBIE-FULTON - 0 - APPROVED – 09/20/06

HAGGERTY-CRAIG DESIGN - 0 - APPROVED – 09/20/06

WAYNE J. HUBBELL \$100. APPROVED – 09/20/06

DEBBIE DeBARTOLO WILKINSON - 0 - APPROVED – 09/20/06

LIMITED LIABILITY COMPANY

J. K. ROLLER ARCHITECTS, LLC \$100. APPROVED – 09/20/06

LIMITED LIABILITY PARTNERSHIP

ROBERT A. M. STERN ARCHITECTS, LLP - 0 - APPROVED – 09/20/06
ALLP12 - Add new responsible charge Randy Correll

CORPORATIONS

ARCHITECTS STUDIO, LTD. \$100. APPROVED – 09/20/06

CUBELLIS ASSOCIATES, INC. d/b/a CUBELLIS \$100. APPROVED – 09/20/06

A-14,200 - Name change from: CUBELLIS ASSOCIATES, INC.

JAMES A. LOFT ARCHITECT, INC. \$ 50. APPROVED – 09/20/06

A-14,384 - Name change from: GREGORY D. COATES ARCHITECT, INC.

THURLOW SMALL ARCHITECTURE, INC. APPROVED – 09/20/06

REQUEST TO WITHDRAW

TOMAINO TOMAINO IAMELLO & ASSOCIATES, PA APPROVED – 09/20/06

DENIED

9/20/06

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